United Nations S/AC.49/2009/43

Security Council

Distr.: General
9 October 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 5 October 2009 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Portugal to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report on the concrete measures taken by the Government of Portugal pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 (see annex).

09-55488 (E) 141009

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Annex to the note verbale dated 5 October 2009 from the Permanent Mission of Portugal to the United Nations addressed to the Chairman of the Committee

Report submitted by Portugal pursuant to paragraph 22 of Security Council resolution 1874 (2009) of 12 June 2009 on the implementation by Portugal of Security Council resolutions 1718 (2006) and 1874 (2009) concerning the Democratic People's Republic of Korea

Portugal and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) by taking the following common measures:

- Council Common Position 2006/795/CFSP of 20 November 2006, as amended by Council Common Position 2009/573/CFSP of 27 July 2009.

  The Common Position sets out the European Union's commitment to implementation of all the measures contained in Security Council resolutions 1718 (2006) and 1874 (2009), and provides the basis for specific European Union implementing measures within the scope of the resolutions, notably:

  - A complete arms embargo
  - An export ban on certain other items, in addition to those determined by the Sanctions Committee, which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea
  - Autonomous listing, to be decided by the Council of the European Union, of persons and entities subject to a visa ban and asset freeze, either by reason of their promotion or support of programmes of the Democratic People's Republic of Korea as mentioned above or because they provide financial services or other resources that could contribute to those programmes
  - Enhanced monitoring over the activities of financial institutions within the jurisdiction of European Union member States with certain banks and financial entities linked to the Democratic People's Republic of Korea
  - Additional information requirements for aircraft and vessels transporting cargo to and from the Democratic People's Republic of Korea.

  The European Union will adopt a Council Decision implementing Common Position 2006/795/CFSP and establishing, for the purpose of the visa ban and the asset freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee on 24 April and 16 July 2009.

- Council Regulation (EC) No. 329/2007 of 27 March 2007, as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008 and Commission Regulation (EC) No. 389/2009 of 12 May 2009.

The Council Regulation implements in the European Community the ban on exports of goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea and on the provision of related services, and the ban on procurement of goods and technology from the Democratic People's Republic of Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said programmes of the Democratic People's Republic of Korea as designated by the Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in Security Council resolution 1718 (2006).

Commission Regulation No. 117/2008 amends the Council Regulation by including the list of goods and technology subject to the export and import ban (other than luxury goods) as set out in annex I to the Council Regulation in accordance with determinations made by the Sanctions Committee.

Commission Regulation No. 389/2009 amends the Council Regulation by including the entities designated by the Sanctions Committee on 24 April 2009 in the list of persons, entities and bodies subject to the asset freeze as set out in annex IV to the Council Regulation.

The Commission will adopt a Commission Regulation amending the Council Regulation by including goods in annex I and persons and entities in annex IV to the Council Regulation in accordance with determinations made by the Sanctions Committee on 16 July 2009.

- Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments).

  This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

- In order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 and the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009), Portugal has taken concrete measures prohibiting the sale, supply, transfer or export of arms and related material to the Democratic People's Republic of Korea. The Portuguese legislation in force (Decree-Law No. 371/80 of 11 September 1980; Decree-Law No. 1/86 of 2 January 1986; Decree-Law No. 436/91 of 8 November 1991; Regulatory Ministerial Decree No. 439/94 of 29 June 1994; Decree-Law No. 297/98 of 17 December 1998; Law No. 153/99 of 14 September 1999; and Law No. 5/2006 of 23 February 2006) does not allow transactions of that type with the Democratic People's Republic of Korea.

- Security Council resolution 1874 (2009) was circulated, along with its respective implementation instructions to all Government departments that are instrumental to its comprehensive national application, as well as to other national entities considered relevant, such as the banking system, the national civil aviation authority, national airlines, the sea traffic authority and the association of commercial ship-owners.

- The above-mentioned Council Regulations are binding in their entirety and directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Portugal are provided for in relevant national legislation (Law No. 11/2002 of 16 February 2002).